

THE RIGHT TO STRIKE

With the Trade Union Bill 2015 having passed its second reading in September, here is a handy guide to some of the key proposals.

Thresholds

All unions will need to meet a turnout threshold under the bill that will threaten the legality of strikes before they've even been voted on, but certain workers will be forced to meet an additional in favour threshold.

50%

turnout needed in order for any industrial action to be deemed legal



Both public and private sector workers providing 'important public services' will need

40%

of eligible voters to vote in favour

'Important public services' definition is subject to consultation within health, fire, transport, state education 5-16, border security, decommissioning of nuclear installations, management of radioactive waste. It applies not only to those who 'normally' work on the service, but also ancillary activities which would impact on service delivery.



Protests

A requirement for unions to report to employers, the CO and police about any protest plans and details of them (including pickets) 14 days in advance. Unions will also need to notify in advance content for protest websites including social media. Failure to report could result in financial penalties.

Unions will have to notify about use of loudspeakers, props, banners etc. as well as expected numbers

Agency Workers

Remove the ban on employers hiring temporary agency workers during strikes. This is not actually in the bill, it is a proposed change to the Conduct of Employment Agencies and Employment Business Regulations 2003 (reg 7) at the same time.



Certification Officer

New powers for the Certification Officer: the ability to investigate a union without any complaint from a member, take documents nationally and at branch level and impose financial penalties, all with a levy to fund it.



Details on Ballot Paper

New requirement to provide a 'reasonably detailed' indication of the dispute with the employer, what type(s) of action short of strike are planned and an expected timetable on the ballot paper. These rules give more control to employers, preventing unions from responding without rebalancing and forcing them to state the extent of potential action at the start.



Political Fund

Currently unions have to ballot all members every ten years to have a political fund, and every member has the right to opt out of it. All members would also be required to opt in every five years to their contributions to the fund being used to fund parties or their campaigns. Much more detailed reporting on the political fund to the Certification Officer, with financial penalties for non-compliance.

Facility Time

Public sector organisations have to report facility time - as do organisations providing public services partly or entirely funded by the taxpayer. Government power to cap facility time in each public and local authority. Power to reduce statutory rights to facility time in the public sector. Power to interfere with individual contracts and collective agreements on facility time in the public sector.

Timescales

The existing notice period for action will be extended under the new proposals, giving employers more time to prepare, and a limit on ballot mandates will be introduced to force frequent rebalancing.

Pickets

Consultation over making many of the requirements of the existing ACAS guidelines statutory e.g. limit of 6 pickets. This means more opportunity for injunctions and damages.

Unions must appoint on-the-spot supervisors for each picket, with visible identification and documentation which they must present on request and notify the police in advance

The notice period for action will be extended from 7 days to

14 days

Ballot mandates will only last

4 months

